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BOX AF

AF 2800
FEB 24 2003
Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2828

PATENT
ATTORNEY DOCKET NO.: 041514-5106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shinichi TAKAHASHI et al.

Application No.: 09/770,673

Filed: January 29, 2001

For: OPTICAL PICKUP APPARATUS
AND LASER DIODE CHIP

Commissioner of Patents
Washington, D.C. 20231

BOX AF

Group Art Unit: 2828

Examiner: J. Menefee

TECHNOLOGY CENTER 2800

RECEIVED
FEB 27 2003

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated September 23, 2002, finally rejecting claims 1-5.

1. Extension of Time

Applicants respectfully request a two (2) month extension of time to respond to the outstanding rejections, the fee of \$410.00 is to be charged to our Deposit Account No. 50-0310, extending the period for response to February 24, 2003 (February 23, 2003 being a Sunday).

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

The fee in the amount of \$320.00 to cover the appeal fee is enclosed.

The Commissioner is authorized to charge the appeal fee of \$320.00 to Deposit Account No. 50-0310.

3. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Paul A. Fournier
Reg. No. 41,023

Dated: February 24, 2003

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